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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,916	12/10/2003	Eiji Iwanari	2018-819	6688
23117	7590	10/18/2007		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER HAMO, PATRICK	
			ART UNIT 3746	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,916

Applicant(s)

IWANARI, EIJI

Examiner

Patrick Hamo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 13-23 is/are allowed.
- 6) ☒ Claim(s) 24-27 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 19 January 2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to amendments filed on September 12, 2007.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 12, 2007 has been entered.

Claim Objections

Claims 25-28 are objected to because of the following informalities: in line 10 of claim 25, applicant claims, "a pump casing attached to the pump casing". Based on the specification, it seems this limitation should read --a pump casing attached to the pump cover--. In line 16 of the claim, applicant claims "the pump casing is disposed to extend into the recess of the pump casing". Based on the specification again and earlier in the claim, it seems this limitation should read --the pump casing is disposed to extend into the recess of the rotor. For purposes of examination, the limitations are interpreted in their suggested corrected forms. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant claims a housing to which the stator is fixedly provided and the drawing force generative means is fixedly provided. It logically follows that either both the stator and the drawing force generative means rotate in operation, or neither rotates in operation. However, throughout the specification, it has been understood by the examiner that the stator is stationary and the drawing force generative means rotates. Examiner is unable to identify what feature, in the specification or in the drawings, can constitute the housing claimed in claim 24 in this behavior while still making the device operable. Examiner requests clarification of this point in the response to this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the U.S.

Claims 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Takemoto et al., 6,082,974.

Takemoto discloses a rotor 4 disposed in a housing (housing constitutes both portions 7 and 12 which form the outer casing of the pump 1) and having a recess in a radial center portion of an axial end portion thereof (to the left in fig. 1, generally where reference numeral 4a is directed), a rotation shaft 3 passing through the radial center portion of the rotor and rotatable therewith, a stator 5 disposed in the housing surrounding the rotor, a pump cover 12 having a fuel inlet port 12a, a casing 7 attached to the pump cover and positioned between the pump cover and the rotor (see fig. 1), the casing including a region 7b that has a central opening to accommodate the impeller 13, from where fuel is discharged to outlet 12c, but not before passing through the housing. Therefore, fuel is discharged into the housing, as piping 12c is still within the housing. Impeller 13 is positioned between the cover 12 and casing 7 and fixed to the rotation shaft, the casing 7 supporting the rotation of the impeller via bearing 4b, which contacts the casing at a radial center portion of the casing 7d, the part of the casing which projects into the recess of the rotor in an axial direction of the rotation shaft.

Allowable Subject Matter

Claims 1-6 and 13-23 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: independent claims 1, 3 and 19 recite limitations drawn to supplying fuel through the housing in an axial direction of the rotor, which allows for the rotor and

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drawing force generative means to be overlapped, thereby providing a nonobvious improvement to the invention of US Patent No. 6,743,001 by shortening the axial length of the fuel pump.

Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the objections to the informalities discussed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Hamo whose telephone number is 571-272-3492. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Devon Kramer
Supervisory Patent Examiner
Art Unit 3746

PH

DEVON C. KRAMER
PATENT EXAMINER


10/15/07